

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

TUTTLE DOZER WORKS, INC.)	
)	
Plaintiff,)	CIVIL ACTION NO. 2:06-cv-2182-DCN
)	
)	
v.)	
)	
GYRO TRAC (USA), INC.,)	MOTION TO DISMISS
GYRO-TRAC, INC., GYRO-TRAC)	
WEST COAST, INC., USITECH NOV,)	
INC., WOODPECKER INDUSTRIES,)	
QUEBEC, INC., USITECH NOV (2004))	
S.E.N.C., DANIEL GAUDEAULT, and)	
WALTER OLIVER, JR.,)	
)	
Defendants.)	
)	

DEFENDANTS GYRO-TRAC, INC., GYRO-TRAC WEST COAST, INC., USITECH NOV, INC., QUEBEC, INC.¹ and WOODPECKER INDUSTRIES, file this motion to dismiss based on lack of personal jurisdiction as authorized by FRCP, Rule 12(b)(2). This motion arises from the fact that none of these Defendants have any operations in or contact with South Carolina, and as a result, this Court lacks personal jurisdiction to adjudicate this matter as it may pertain to these Defendants. This motion will be supported by a memoranda of law as well as the pleadings in this matter.

WHEREFORE, these Defendants seek an order from this Honorable Court dismissing Plaintiff's complaint as it pertains to them, and for such other and further relief as this court deems appropriate.

¹"Quebec, Inc." is not fully and completely identified in Plaintiff's complaint. To the extent that Plaintiff seeks to bring an action against "9163-2521 Quebec, Inc.," it is that entity which is pursuing this motion to dismiss.

Respectfully Submitted

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GYRO-TRAC WEST COAST, INC.,
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WOODPECKER INDUSTRIES

Summerville, South Carolina
This 5th day of September, 2006